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From: CN=David Powers/OU=R10/O=USEPA/C=US

Sent: Wed 12/28/2011 4:15:08 PM

Subject: Fw: Meeting Conflicts...providing coverage and rescheduling.

Heads up. Both ID and OR are moving closer to possible forest practice rule changes for riparian areas on private forest lands. I sent an earlier e-mail regarding potential ID FPA changes. There is an OR Board of Forestry meeting on Jan. 4 that will discuss OR BOF duties and powers related to riparian rules and maintaining WQ. ODF has requested a Board decision on whether to move forward with rule analysis regarding 1) riparian protection standards for small and medium fish streams and 2) waiver of written plans for operations near riparian management areas.

EPA has pushed for over a decade to get increased riparian protection around small and medium streams in OR. EPA/NOAA approval of Oregon's Coastal NPS program hinges in part on improvements to riparian protection on forest lands (legacy roads and landslide prone areas also need to be addressed). In addition, DEQ's implementation ready TMDL approach, that could become the TMDL model Statewide, will face its initial test in forested coastal watersheds. The timber industry will likely challenge DEQ's authority to require implementation of TMDLs on forest lands in the courts. Improving riparian protection via the OR FPA for Western OR could help deflect industry challenges on the Mid-Coast implementation ready TMDL and help prevent future TMDL by TMDL battles with industry in other basins. Improved riparian protection is also key to a settlement agreement with NWEA and continued 319 funding in Oregon.

The recent ODF RipStream study, funded in part by EPA and DEQ, makes a strong demonstration that increased riparian protection is needed to meet WQS on forest lands. The RipStream study and DEQ's decision to prepare implementation ready TMDLs (and their risk of losing 319 \$\$\$) have resulted more DEQ and ODF action related to riparian rules than I've seen in 10yrs. While the State may pursue riparian rule changes on their own it would be a good idea to send a message that EPA believes that changes to the State's riparian rules are needed. We may have a similar opportunity in ID in mid-February.

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